

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF  
  
DISCIPLINARY PROCEEDINGS AGAINST:

**FINAL DECISION AND ORDER**

ILDEFONSO L. ASINAS, M.D.,  
  
RESPONDENT.

98 MED 336  
  
LS9902241MED

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The parties to this action for the purposes of § 227.53, Wis. Stats., are:

Ildefonso L. Asinas, M.D.  
  
2745 W. Layton Ave, #104  
  
Milwaukee, WI 53221

Wisconsin Medical Examining Board  
  
P.O. Box 8935  
  
Madison, WI 53708-8935

Department of Regulation and Licensing  
  
Division of Enforcement  
  
P.O. Box 8935  
  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Ildefonso L. Asinas (dob 1/23/31) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #14076, first granted on 8/11/61. Respondent is a general practitioner in solo practice.
2. Respondent was, on 12/17/87, disciplined by the Board and his license to practice medicine and surgery was indefinitely limited in the following respect (in relevant part):

IT IS FURTHER ORDERED, that Ildefonso L. Asinas, M.D., shall not prescribe or dispense controlled substances to his spouse, Darlene Asinas, (...)

3. Respondent and Darlene Asinas were divorced on 3/7/89. Respondent did, on the following occasions, prescribe the following controlled substances for Darlene Asinas:

Date	Medications	#	Refills	Usage Directions	Name Used
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1-6-97	oxycodone	50		1-2 tabs q 4 hrs prn	Kuss
1-11-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
1-16-97	oxycodone	50		1-2 tabs q 4 hrs prn	Kuss
1-22-97	oxycodone	50		1-2 tabs q 4 hrs prn	Baxter
1-27-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
1-31-97	oxycodone	50		1-2 tabs q 4 hrs prn	Kuss
2-7-97	oxycodone	50		1-2 tabs q 4 hrs prn	Kuss
2-14-97	oxycodone	50		1-2 tabs q 4 hrs prn	Kuss
2-21-97	oxycodone	50		1-2 tabs q 4 hrs prn	Baxter
2-28-97	oxycodone	50	2	1-2 tabs q 4 hrs prn	Kuss
	triazolam	30		1-2 tabs hs	Kuss
3-5-97	oxycodone	50		1-2 tab q 4 hrs prn	Kuss
3-6-97	oxycodone	50		1-2 tabs q 4 hrs prn	Kuss
3-7-97	temazepam	30	3	1 tab hs prn	Kuss
3-17-97	oxycodone	50		1-2 tabs q 4 hrs prn	Kuss
3-20-97	oxycodone	50		1-2 tabs q 4 hrs prn	Baxter
3-26-97	Nembutal	10		1 tab q 4 hrs prn	Kuss
	oxycodone	30			Kuss
3-28-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
4-7-97	Nembutal	20	3	1-2 caps hs prn	Kuss
	oxycodone	50		1 tab q 4 hrs prn	
4-10-97	oxycodone	30		1-2 tab q 4hrs prn	Kuss
4-14-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
4-17-97	Nembutal	20		1-2 tab prn	Kuss
4-18-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
4-20-97	diphenozate /atropine	12			Kuss
4-23-97	oxycodone	50		1 tab q 4 hrs prn	Baxter
4-28-97	oxycodone	50		1 tab q 4 hrs prn	Kuss

5-2-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
5-8-97	oxycodone	50	2	1 tab q 4 hrs prn	Kuss
	temazepam	30		1 tab	Kuss
5-13-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
5-20-97	oxycodone	50		1 tab q 4 hrs prn	Baxter
5-21-97	oxycodone	50		1-2 tab q 4 hrs prn	Kuss
5-22-97	temazepam	30	1	1 tab hs prn	Kuss
5-27-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
5-30-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
6-7-97	oxycodone	50		1-2 tab q 4 hrs prn	Kuss
6-10-97	oxycodone	30	2	1 tab q 4 hrs prn	Kuss
	temazepam	50		1 tab hs prn	Kuss
6-16-97	Tylenol # 3	50	3	1 tab q 4 hrs prn	Baxter
6-20-97	temazepam	30	2	1 tab hs prn	Kuss
6-24-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
6-28-97	oxycodone	50		1-2 tab q 4 hrs prn	Kuss
	temazepam	30		1 tab prn	Kuss
7-3-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
7-8-97	oxycodone	50	3	1 tab q 4 hrs prn	Baxter
	temazepam	30		1 tab hs	Baxter
7-15-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
7-29-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
8-3-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
8-7-97	oxycodone	50	2	1 tab q 4 hrs prn	Baxter
	temazepam	30		1 tab hs	Baxter
8-18-97	oxycodone	30	2	1 tab q 4 hrs prn	Kuss
	temazepam	50		1 tab q hs prn	Kuss
8-22-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
8-26-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
9-2-97	oxycodone	50		1 tab q 4 hrs prn	Baxter
9-6-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
9-15-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
9-17-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
9-18-97	diazepam	30		1 tab tid prn	Kuss

9-22-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
10-1-97	oxycodone	50		1 tab q 4 hrs prn	Baxter
10-5-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
10-7-97	diazepam	30	3	1 tab tid prn	Kuss
10-9-97	temazepam	30		1 tab hs prn	Kuss
10-10-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
10-13-97	diazepam	30	3	1 tab tid prn	Kuss
	oxycodone	50	2	1-2 tab q 4 hrs prn	Kuss
	temazepam	30		1 tab hs	Kuss
10-14-97	Fioricet	50	3	1 tab q 4 hrs prn	Kuss
10-17-97	diphenozate /atropine	50	2	2 tabs q 4 hrs prn	Baxter
10-24-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
11-4-97	diazepam	50		1 tab tid prn	Kuss
	temazepam	30		1 tab q 4 hrs prn	Kuss
	Tylenol # 3	30			Kuss
11-8-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
11-12-97	diazepam	50	2	1 tab tid prn	Asinas
	oxycodone	50	2	1-2 tab q 4 hrs prn	Asinas
	temazepam	30		1 tab hs prn	Asinas
11-13-97	Tylenol # 3	30		1 tab q 4 hrs prn	Kuss
11-18-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
	Tylenol # 3	50		1 tab q 4 hrs prn	Kuss
11-20-97	diazepam	50	2		Kuss
	temazepam	50			Kuss
11-30-97	oxycodone	10		1 tab q 4 hrs prn	Kuss
12-3-97	diazepam	50	2	1 tab tid prn	Kuss
	oxycodone	50		1 tab q 4 hrs prn	Kuss
12-5-97	Tylenol # 3	50	2	1 tab q 4 hrs prn	Kuss
12-7-97	temazepam	30			Kuss
12-14-97	oxycodone	50		1 tab q 4hrs prn	Kuss
12-15-97	diazepam	30	2	1 tab tid	Kuss
	temazepam	30	2	1 tab hs	Kuss
12-18-97	oxycodone	20		1 tab q 4 hrs prn	Kuss
12-21-97	Fiorinal # 3	30	2	1 cap q 4 hrs prn	Kuss

12-23-97	oxycodone	50		1 tab q 4 hrs prn	Kuss
12-26-97	diazepam	30		1 tid prn	Kuss
	oxycodone	50		1 tab q 4 hrs prn	Kuss
	temazepam	30			Kuss
12-29-97	diazepam	30	2	1 tab tid prn	Asinas
	Fiorinal # 3	30	2	1 cap q 4 hrs prn	Asinas
	oxycodone	50	2	1 tab q 4 hrs prn	Asinas
	temazepam	30		1 tab hs prn	Asinas
1-2-98	diazepam	50	2	1 tab tid prn	Kuss
	hydrocodone	50	2	1 tab q 4 hrs prn	Kuss
	temazepam	30	2	1 tab q 4 hrs prn	Kuss
1-14-98	diazepam	60	2	1 tab bid	Asinas
	Fiorinal # 3	50	2	1 tab q 4 hrs prn	Asinas
	oxycodone	60	3	1 tab q 4 hrs prn	Asinas
	Propanolol	60	2	1 tab bid	Asinas
	diphenozate	50	3	as directed	Asinas
	/atropinemethyl	21	2	1 tab bid	Asinas
	prednisone	60		2 tabs hs prn	Asinas
	temazepam				
1-21-98	Tylenol # 3	50	3	1 tab q 4 hrs prn	Kuss
2-2-98	diazepam	50	3	1 tab tid	Asinas
	Fiorinal # 3	50	3	1 cap q 4 hrs prn	Asinas
	methylprednisone	50	3	as directed	Asinas
	oxycodone	50		1 tab q 4 hrs prn	Asinas
2-14-98	oxycodone	50		1 tab q 4 hrs prn	Kuss
2-19-98	Nembutal	10		1 tab hs prn	Kuss
2-23-98	oxycodone	50		1 tab q 4 hrs prn	Kuss
2-24-98	temazepam	10	3	1 tab q hs	Kuss
3-1-98	Fiorinal # 3	10	2	1 tab q 4 hrs prn	Kuss
	oxycodone	50		1 tab q 4 hrs prn	Kuss
3-2-98	flurazepam	30	2	1 tab hrs	Asinas
3-13-98	diazepam	50	2	1 tab tid prn	Kuss
	Fiorinal # 3	30	2	1 tab q 4 hrs prn	Kuss
	flurazepam	30	2	1 tab hs prn	Kuss
	oxycodone	50		1 tab q 4 hrs prn	Asinas

3-23-98	diazepam	50	2	1 tab tid prn	Kuss
	flurazepam	30	2	1 tab hs prn	Kuss
	oxycodone	50		1 tab q 4 hrs prn	Kuss
4-10-98	oxycodone	50		1 tab q 4 hrs prn	Kuss
4-15-98	diazepam	50	2	1 tab tid prn	Kuss
	flurazepam	50	2	1-2 tab q hs prn	Kuss
4-27-98	oxycodone	50		1 tab q 4 hrs prn	Kuss
5-1-98	flurazepam	6		1 tab hs prn	Kuss
5-8-98	diphenozate	30		2 tabs q 4hrs prn	Kuss
	/atropine				
5-12-98	oxycodone	50		1 tab q 4 hrs prn	Kuss
5-22-98	flurazepam	20	2	1-2 tabs hs prn	Kuss
	diazepam	30	2	1 tab tid prn	Kuss
	oxycodone	50		1 tab q 4 hrs prn	Kuss
6-10-98	flurazepam	30	2	1 tab q hs prn	Kuss
	oxycodone	50		1 tab q 4 hrs prn	Kuss
6-20-98	oxycodone	50		1 tab q 4 hrs prn	Kuss
6-23-98	oxycodone	30		1 tab q 4 hrs prn	Kuss
7-1-98	flurazepam	30		1 tab q hs	Kuss
7-10-98	oxycodone	30		1 tab q 4 hrs prn	Kuss
7-11-98	flurazepam	20	3	1 tab q hs	Kuss
7-25-98	oxycodone	50		1 tab q 4 hrs prn	Kuss
7-29-98	alprazolam	50		1 tab tid prn	Kuss
	flurazepam	30		1 tab q hs	Kuss
8-5-98	oxycodone	50		1 tab q 4 hrs prn	Kuss
8-14-98	oxycodone	50		1 tab q 4 hrs prn	Kuss

4. With respect to the above prescription orders, respondent at no time kept any patient health care record for Darlene Asinas, nor did he consult with any other physician who was treating Darlene Asinas, although he was informed that Darlene Asinas was seeing other practitioners and receiving prescriptions for pain from them. Respondent did not ascertain what other prescriptions Darlene Asinas was receiving before providing her with the prescription orders set forth above.

5. On multiple occasions as set forth in the above table, respondent issued prescription orders for Darlene Asinas in the names of Darlene Kuss (her birth-given name) or Darlene Baxter (the birth surname of her mother), in an effort to conceal the identity of the person for whom they were intended.

6. Respondent is also under investigation for inappropriate prescribing of controlled substances for a number of other patients. The Board makes no finding regarding such prescribing, in consideration of the settlement of this matter.

7. Respondent intends to retire in January, 2001. In consideration of his willingness to enter into this stipulated order immediately and to comply with the limitations forthwith and without protracted litigation, the Board agrees to permit respondent to continue serving his current patients only, for this limited time, under the limitations set forth below, in lieu of revocation.

### CONCLUSIONS OF LAW

A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraphs 3-6, above, violated §450.11(1), Wis. Stats., § Med 10.02(2)(b), (h), and (p), Wis. Adm. Code, and 21 CFR §§1306.04(a) and 1306.05. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the SURRENDER of the license to practice medicine and surgery of Ildefonso L. Asinas, M.D., is accepted, effective January 31, 2001. Respondent shall deliver his wall certificate, computer-printed registration certificate, and computer-printed registration card to the Board on or before February 1, 2001.

IT IS FURTHER ORDERED, that the license to practice medicine of respondent is LIMITED effective the date of this order as provided in §448.02(3)(e), Wis. Stats., and as follows:

Respondent shall not prescribe, order, obtain, administer, dispense, or possess any controlled substance (including Schedule V substances), nor shall he hold or apply for a DEA registration to do so as to any schedule of controlled substances. Respondent may possess, for personal use, a controlled substance which has been prescribed for his use by an authorized prescriber for a valid medical purpose.

Respondent shall, within 20 days of this Order, notify all pharmacies which he has reason to believe have filled any prescription he has issued in the past five years, that he does not hold a DEA registration, and he shall furnish each such pharmacy with a copy of this Order. Within 30 days of this Order, he shall file a certificate under oath or affirmation that he has complied with this paragraph, and provide a copy of the form of notification used, and a list of all pharmacies notified (name and address).

Respondent shall not accept any new patients.

Respondent shall furnish all of his staff, full and part time, with a copy of this Order, within 20 days of this Order, and shall file a certificate under oath or affirmation that he has complied with this paragraph, and provide a list of the persons who have received a copy of the Order. If respondent obtains new staff, whether full or part time, temporary or permanent, he shall likewise furnish each such staff person with a copy of this Order before that person commences work for respondent. "Employee" includes a person who performs services in respondent's office, whether by employment or independent contract relationship, but does not include persons performing professional services for respondent from another location, such as an accountant, attorney, laboratory, etc.

IT IS FURTHER ORDERED, that respondent shall pay the costs of investigating and prosecuting this matter in the amount of \$600, within 30 days of this order.

IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this February 24, 1999.

WISCONSIN MEDICAL EXAMINING BOARD, by:

by: s/ Ronald Grossman, MD

a member of the Board